

REFERENCE TITLE: Rio Nuevo; shared revenue

State of Arizona
House of Representatives
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HB 2702

Introduced by
Representatives Huffman, Bradley, Cajero Bedford, Hershberger, Lopes,
Paton, Prezelski, Weiers J, Senators Aboud, Bee, Garcia, Hellon:
Representatives Burns J, Lopez L, McClure, Senator Soltero

AN ACT

AMENDING SECTIONS 42-5031 AND 48-4204, ARIZONA REVISED STATUTES; RELATING TO
MULTIPURPOSE FACILITY DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 42-5031, Arizona Revised Statutes, is amended to
3 read:

4 42-5031. Distribution of multipurpose facility revenues to
5 district

6 A. Subject to the ~~requirement~~ REQUIREMENTS of subsection D of this
7 section, if a county stadium district is authorized by an election pursuant
8 to section 48-4237, subsection F, paragraph 5 to use the amounts paid to the
9 district pursuant to subsection B of this section as permitted by law, then
10 after delivery of a resolution of the district board of directors requesting
11 payment, which resolution shall contain notice of the exercise of the option
12 to begin payments provided for in this subsection, the state treasurer shall
13 pay each month, beginning with the second calendar month after the optional
14 payment commencement event contained in the resolution, from the amount
15 designated as distribution base pursuant to section 42-5029, subsection D,
16 the amount determined under subsection B of this section to the district.
17 Payments under this section shall continue for ~~ten~~ FORTY years after either
18 the commencement or the completion of construction of the primary component
19 of the multipurpose facilities, at the option of the district.

20 B. The amount to be paid each month under subsection A of this section
21 is one-half of the amount of state transaction privilege tax revenues
22 received in the second preceding calendar month from all persons conducting
23 business under any business classification under this article at a
24 multipurpose facility site, or in the construction of a multipurpose
25 facility, the public or district owned components of which cost at least two
26 hundred million dollars to construct. In no event shall the amount to be
27 paid each month under this section exceed the net new state transaction
28 privilege tax revenues received from the multipurpose facility site as
29 compared to the revenues received in the same month during the twelve months
30 prior to the month in which the public vote pursuant to section 48-4237 is
31 held.

32 C. The primary component, as ~~defined~~ DESCRIBED in section 48-4201,
33 shall be constructed during the first phase of the project.

34 D. To qualify for payments under this section, the municipality in
35 which the multipurpose facility site is located must either obtain voter
36 approval for a local transaction privilege tax to pay costs associated with a
37 multipurpose facility, or make a financial commitment by intergovernmental
38 agreement between the municipality and the district EITHER to make, OR CAUSE
39 ANOTHER GOVERNMENTAL ENTITY TO MAKE, direct payments to the district from any
40 lawful source, including municipal transaction privilege ~~tax~~ TAXES or to
41 expend, OR CAUSE ANOTHER GOVERNMENTAL ENTITY TO EXPEND, monies for land,
42 infrastructure or other improvements ~~directly~~ related to the multipurpose
43 facility or the multipurpose facility site, OR IN THE DISTRICT, by the end of
44 the ~~ten~~ FORTY year period referred to in subsection A of this section in an

1 aggregate amount equal to the amount received by the district pursuant to
2 this section.

3 E. If the municipality in which the multipurpose facility site is
4 located fails to satisfy the obligations of the municipality pursuant to
5 subsection D of this section, then beginning six months after the end of the
6 ~~ten~~ **FORTY** year period referred to in subsection A of this section,
7 distributions otherwise payable to the municipality pursuant to ~~subsection C~~
8 ~~of~~ section 42-5029, **SUBSECTION C** shall be reduced by an amount equal to the
9 excess of the amount received by the district pursuant to this section over
10 the amount paid or expended by the municipality. The amount of the reduction
11 shall be distributed to the district to satisfy the financial commitment of
12 the municipality pursuant to subsection D of this section.

13 F. To comply with the requirements of this section, the county stadium
14 district board of directors ~~of~~ **OR** any city or town that is part of the county
15 stadium district shall supply the department with all requested information
16 necessary to administer this section.

17 Sec. 2. Section 48-4204, Arizona Revised Statutes, is amended to read:
18 **48-4204. Constructing and operating a stadium and other**
19 **structures; regulating alcoholic beverages**

20 A. From the taxes and surcharges levied pursuant to article 2 of this
21 chapter for use with respect to major league baseball spring training, the
22 district may acquire land and construct, finance, furnish, maintain, improve,
23 operate, market and promote the use of existing or proposed major league
24 baseball spring training facilities or stadiums and other structures,
25 utilities, roads, parking areas or buildings necessary for full use of the
26 training facilities or stadiums for sports and other purposes and do all
27 things necessary or convenient to accomplish those purposes. The board shall
28 require that any project undertaken by the district include financial
29 participation from the county or municipality in which the project is
30 located, from a private party or from any combination of these entities which
31 equals or exceeds one-half of the amount to be expended or distributed by the
32 district. Capital improvement funds expended at any time after June 1, 1991
33 by a county, municipality or private party for a purpose authorized by this
34 section may be deemed financial participation with respect to any project the
35 district may undertake.

36 B. From the taxes and charges levied or identified pursuant to section
37 48-4237 for use with respect to multipurpose facilities and from other monies
38 lawfully available to the district, the district may acquire land, including
39 by eminent domain consistent with the requirements of section 48-4206, and
40 construct, finance, furnish, maintain, improve, operate, market and promote
41 the use of multipurpose facilities and other structures, utilities, roads
WITHIN AND ADJACENT TO THE DISTRICT TO SERVE ANY INCIDENTAL AND NECESSARY
PROJECT IN THE DISTRICT, parking areas or buildings necessary for full use of
44 the multipurpose facilities and do all things necessary or convenient to
45 accomplish those purposes. Public funds identified in section 48-4237,

1 including funds distributed pursuant to section 42-5031, may only be used for
2 the components for a multipurpose facility which are owned by the district or
3 which are publicly owned.

4 C. Title 34 applies to the district, except that regardless of the
5 funding source for design and construction of facilities and structures the
6 district may establish alternative systems and procedures, including the use
7 of the design-build method of construction or the use of qualifications-based
8 selection of contractors with experience in stadium design or construction,
9 to expedite the design and construction of any of its facilities or
10 structures or any facilities or structures leased to it or used by it
11 pursuant to an intergovernmental agreement. For THE purposes of this
12 subsection:

13 1. "Design-build" means a process of entering into and managing a
14 contract between the district and another party in which the other party
15 agrees to both design and build a structure, A facility or other items
16 specified in the contract.

17 2. "Qualifications-based selection" means a process of entering into
18 and managing a contract between the district and another party in which the
19 other party is selected by the district on the basis of the party's
20 qualifications and experience in designing or constructing facilities,
21 structures or other items similar to those the district is authorized to
22 construct or lease. The other party may be selected by direct selection or
23 by public competition.

24 D. For purposes of financing, designing, constructing or operating
25 facilities or structures, the district is not the agent of any municipality
26 participating in the funding of such facilities or structures.

27 E. Subject to the requirements of title 4, the board of directors may
28 permit and regulate the sale, use and consumption of alcoholic beverages at
29 events held on property acquired, leased or subleased under this article.